

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SUSAN SCHAEFER-LAROSE, on behalf)	
of herself and others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	1:07-cv-1133-SEB-TAB
)	
ELI LILLY and COMPANY,)	
)	
Defendant.)	

**ENTRY OF FINAL JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 54(b), IN RESPONSE TO PLAINTIFF SUSAN SCHAEFER-
LAROSE'S MOTION FOR CERTIFICATE OF APPEALABILITY AND FOR A
STAY OF THE PROCEEDINGS**

On October 12, 2010, Plaintiff, Susan Schaefer-LaRose, filed a Motion for Certificate of Appealability and for Stay of the Proceedings [Docket No. 704], pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, or, in the alternative, under 28 U.S.C. § 1292(b). Specifically, Ms. Schaefer-LaRose seeks certification to appeal the Court's September 29, 2009 Order granting summary judgment against her and its September 29, 2010 Order declining to reconsider its ruling on summary judgment. Defendant, Eli Lilly and Company, does not oppose Rule 54(b) certification of these orders and joins Plaintiff in requesting a stay of the proceedings pending resolution of any appeal.

Rule 54(b)¹ allows a district court to enter a final judgment either when it has

¹ Federal Rule of Civil Procedure 54(b) provides in relevant part:

(continued...)

resolved all claims concerning a single party, or has resolved a single claim with respect to all parties. Horn v. Transcon Lines, Inc., 898 F.2d 589, 593 (7th Cir. 1990). “An order that disposes finally of a claim against one party to the suit can be certified for an immediate appeal under the rule even if identical claims remain pending between the remaining parties.” Nat’l Metalcrafters, Div. of Keystone Consol. Indust. v. McNeil, 784 F.2d 817, 821 (7th Cir. 1986); see also Cont’l Cas. Co. v. Anderson Excavating & Wrecking Co., 189 F.3d 512, 517-18 (7th Cir. 1999) (judgments with respect to separate parties allow parties “to determine at the earliest possible opportunity whether it is securely out of the litigation and therefore can stop worrying about and preparing for further proceedings in it.”).

The Court’s orders in this case dispose, with finality in this court, of Ms. Schaefer-LaRose’s claims against Defendant. Further, an immediate rather than a delayed appeal of our decision will promote judicial efficiency. Regardless of whether the Seventh Circuit affirms or reverses the summary judgment against Ms. Schaefer-LaRose, that ruling will bear on legal issues central to the claims of other opt-in plaintiffs in this litigation, thereby expediting a final resolution of this case. Thus, we find, pursuant to


¹(...continued)

When an action presents more than one claim for relief – whether as a claim, counterclaim, crossclaim, or third-party claim – or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

Rule 54(b), that there is no just reason for delay. Accordingly, we GRANT Ms. Schaefer-LaRose's motion and enter final judgment in favor of Defendant and against Ms. Schaefer-LaRose, on her FLSA claims. The proceedings remaining in this court are hereby STAYED, pending resolution of any appeal filed on behalf of Ms. Schaefer-LaRose.

IT IS SO ORDERED.

Date: 11/12/2010



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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